

An avid student of history, Sergeant Fisher enjoyed learning about the heroes who preceded him, especially those who brought our Nation through the great wars of the 20th century. It is thus with great solemnity that we today pay tribute to SGT Paul F. "Ringo" Fisher, who has himself attained heroic status, having joined the ranks of our Nation's greatest patriots and history's most courageous souls.

SENATOR ROBERT C. BYRD, FDR, FREEDOM FROM FEAR, AND COURTING YOUR GIRL WITH ANOTHER BOY'S BUBBLE GUM

Mr. KENNEDY. Mr. President, it is an honor to take the floor now to join all Senators on both sides of the aisle in extending our warmest birthday wishes to the Senator who in so many ways is respected as Mr. United States Senate by us all, our friend and eminent colleague from the State of West Virginia, Senator ROBERT C. BYRD.

Senator BYRD is 86 years young today, with the emphasis on "young," because he truly is young in the same best sense we regard our Nation itself as young, inspiring each new generation to uphold its fundamental ideals of freedom and opportunities and justice for all.

Senator BYRD's personal story is the very essence of the American dream, born to a hard life in the coal mines of West Virginia, rising to the high position of majority leader, a copy of the Constitution in his pocket and in his heart, insisting with great eloquence and equally great determination, day in and day out, year in and year out, that the Senate, our Senate, live up to the ideals and responsibilities that those who created the Senate gave us. Washington, Adams, Jefferson, Madison, Franklin, Webster, Clay, Calhoun—they each live on today in Senator ROBERT BYRD, and they would be proud of all he has done in our day and generation to make the Senate the Senate it is intended to be.

On a personal note, I am always very touched on this day in remembering the unusual coincidence that Senator BYRD was born on the same day as my brother Robert Kennedy and in the same year as my brother, President Kennedy, and was married on President Kennedy's birthday.

In the many years we have served together, he has taught me many things about the Senate, especially how to count votes. He did me one of the biggest favors of my life, although I did not feel that way at the time. On that occasion over 30 years ago, we were each certain we had a majority of democratic votes. We couldn't both be right, and Senator BYRD was right. All these years later, like so many others among us, I still learn from his eloquence whenever he takes the floor and reminds the Senate to be more vigilant about living up to our constitutional trust.

Senator BYRD has received many honors in his brilliant career, and the

honor he received last Saturday in Hyde Park in New York was among the highest. He was honored with The Freedom from Fear Award by The Franklin and Eleanor Roosevelt Institute. The award is named for one of the Four Freedoms—freedom of speech, freedom of worship, freedom from want, and freedom from fear—in President Roosevelt's famous State of the Union Address to Congress in 1942, a few weeks after the Second World War began. The award also harks back to FDR's First Inaugural Address in 1933, in which he rallied the Nation from the depths of the Great Depression with the famous words, "The only thing we have to fear is fear itself."

In his address accepting the award, Senator BYRD emphasized the importance of renewing our dedication to the Nation's ideals in the very difficult times we face today, when the temptations are so great once again to put aside our freedoms in order to safeguard our security. As Senator Byrd said so eloquently, in a lesson each of us should hear and heed:

Carry high the banner of this Republic, else we fall into the traps of censorship and repression. The darkness of fear must never be allowed to extinguish the precious light of liberty.

Senator BYRD's address in Hyde Park also contains a very beautiful and moving passage about the person who has been his lifelong best friend and strongest supporter all through these years, the coal miner's daughter he married 66 years ago, his wife Erma.

I wish them both many, many happy returns on this special day, and I ask unanimous consent that Senator BYRD's extraordinary address on receiving the Roosevelt "Freedom from Fear" Award be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COURAGE FROM CONVICTION

I thank Ann Roosevelt and William "Bill" vanden Heuvel (the Great!) and the Board of the Roosevelt Institute for this distinct, unique honor. I also thank my colleague, a colleague sui generis. Yes, Senator Hillary Clinton came to my office and she said that she wanted to be a good senator. And she said, "How shall I do it? How shall I go about it? I want to work for the people of New York. I want to be a good senator." And I did say, "Be a work horse, not a show horse." She took that to heart, and she has been a fine senator. She has never forgotten that admonition. She has been a good senator and I am delighted to be here in her state this morning. This is an extraordinary award, for which she recommended me so graciously.

I am humbled to be deemed a practitioner of President Roosevelt's great vision. I am proud to be associated once again with my friend and quondam colleague, former Senator and Senate Majority Leader George Mitchell. Ah, what a shame, as we have witnessed the lowering of the Senate's standards. And how proud I would be to be able to vote for a great federal judge to grace the Supreme Court of the United States, George Mitchell. I would have no doubt that he would honor this Constitution of the United States of America. And I hope that, I trust that, the Great Physician, the Great Law-

giver, might bless me so that I might live to see that day.

I congratulate the other exceptional laureates, and I am proud to be their colleague. I am proud to be numbered with the previous Four Freedom recipients.

Franklin Delano Roosevelt—ah, the voice! I can hear it. I can hear it yet as it wafted its way through the valleys, up the creeks and down the hollows in the coal camps of Southern West Virginia. That voice—there was nothing like it. Franklin Roosevelt was a man of tremendous courage. A leader of uncommon vision and optimism. An orator of compelling passion. He looms large, oh so large, in my boyhood memory. I grew up in the home of a coal miner. I married a coal miner's daughter. I thank her today for her guidance, her advice, her constant confidence in me that she has always shown.

Studs (Terkel), I tell you how I won the hand of that coal miner's daughter some 66 years ago. We had in my high school class a lad named Julius Takach. He was of a Hungarian family. His father owned a little store down in Cooktown, about 4 miles from Stotesbury, where I grew up. And each morning, Julius Takach would come to school with his pockets full of candy and chewing gum from his father's store's shelves. I always made it my business to greet Julius Takach at the schoolhouse door upon his arrival! And he would give me some of that candy and chewing gum. I never ate the candy. I never chewed the chewing gum. I proudly walked the halls of Mark Twain High School to see my sweetheart as the classes changed, and I gave her that candy and chewing gum. Now do you think I told her that Julius Takach gave me that candy and that chewing gum? Why, no! Studs, that's how you court your girl with another boy's bubble gum!

The stock market crashed in October 1929. I was 12 years old. I had \$7 that I had saved up selling the Cincinnati Post. I had that \$7 in the bank at Matoaka, West Virginia. The bank went under, and I haven't seen my \$7 since. I struggled to find my first job working at a gas station during the Great Depression. I was 24 when the Japanese bombed Pearl Harbor.

I can remember the voice of President Roosevelt on the radio in those days. His voice carried over the crackle and static of my family's old Philco set. President Roosevelt understood the nation. He understood its history. He understood its character, its ethos. He understood the Constitution. He respected the Constitution.

In Marietta, Ohio, in 1938, President Franklin Delano Roosevelt said: "Let us not be afraid to help each other—let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country." President Roosevelt was right.

Especially in these days, when we find ourselves in dangerous waters, I remind the nation of President's Roosevelt's charge: the government is ourselves. I have called on my colleagues in Congress to stand as the Framers intended.

I saw them tearing a building down
A group of men in a busy town
With a "Ho, Heave, Ho" and a lusty yell
They swung a beam and the sidewall fell.

I said to the foreman, "Are these men skilled?"

The type you would hire if you had to build?"

He laughed, and then he said, "No indeed, Just common labor is all I need; I can easily wreck in a day or two, That which takes builders years to do."

I said to myself as I walked away,
 "Which of these roles am I trying to play?
 Am I a builder who works with care,
 Building my life by the rule and square?
 Am I shaping my deeds by a well-laid plan,
 Patiently building the best I can?
 Or am I a wrecker who walks the town
 Content with the labor of tearing down?"

That's what we see today. I call on my colleagues to stand as the Framers intended, as a check against an overreaching executive. I have urged the people of America to awaken to what is happening and to speak out against those who would tear down the fabric of Constitutional liberty. To speak out, for it is the duty of each citizen to be vigilant to what his or her government is doing, and to be critical, if need be. It is not unpatriotic to speak out. It is not unpatriotic to ask questions. It is not unpatriotic to disagree. Speak out, lest the right of dissent, the right to disagree, be trampled underfoot by misguided zealotry and extreme partisanship.

I have been in Congress now close to 51 years, longer than any other person—out of 11,707 individual persons who have served in the House or Senate or both—with the exception of two. And I have never seen such extreme partisanship; such bitter partisanship; such forgetfulness of the faith of our fathers, and of the Constitution. Never have I seen the equal of what I have seen in these last three years.

But let us not fear. The individual mind remains an unassailable force. The individual voice can inspire other to act. A single act of bravery can lead an army against great odds. At a time when dissent is labeled unpatriotic, the strength of a single individual can give hope to the hopeless, voice to the voiceless, power to the powerless.

"The iron will of one stout heart shall make a thousand quail. A feeble dwarf, dauntlessly resolved, will return the tide of battle, and rally to nobler strife the giants that had fled (Martin F. Tupper, 1810-1889)."

During these troubled times, the legacy of Franklin Eleanor Roosevelt is not forgotten. Again, I thank Ann Roosevelt and the inimitable William vanden Heuvel (the Great!), and the Board of the Roosevelt Institute for this great honor. I thank again my protege in whom I have great pride, Senator Hillary Clinton. And I thank each of you here this morning. This day has inspired me to carry on with new energy.

I close with words from President Roosevelt's first inaugural address: "[T]he only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."

If I may be so bold as to add, let us take courage from conviction. Carry high the banner of this Republic, else we fall into the trap of censorship and repression. The darkness of fear must never be allowed to extinguish the precious light of liberty.

May we remember the words of the Scripture (Proverbs 22:28): "Remove not the ancient landmark, which thy fathers have set."

EXPANSION OF NATIONAL SECURITY LETTER AUTHORITY IN INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. LEAHY. Mr. President, yesterday saw passage of yet another example of this Administration's secret efforts to further expand secret powers of the FBI. The FBI can now use National Security Letters, NSLs, which do not require approval by a court, grand jury, or prosecuting attorney, to de-

mand confidential financial records from car dealers, pawn brokers, travel and real estate agents, and other businesses, and to prohibit the business from disclosing that the records have been sought or obtained.

There is no requirement that the FBI demonstrate a need for such records. It need only assert that the records are "sought for" an intelligence or terrorism investigation. Nor are there sufficient limits on what the FBI may do with the records or how it must store them. For example, information obtained through NSLs may be stored electronically and used for large-scale data mining operations.

Congress last expanded the FBI's NSL authority in October 2001, as part of the comprehensive antiterrorism package known as the USA PATRIOT Act. Incredibly, the Intelligence Committee forced passage of this latest expansion without consulting the Judiciary Committee, which oversees both the FBI and the implementation of the PATRIOT Act. Indeed, the Committee is in the midst of holding a series of oversight hearings on the PATRIOT Act, including the very provision that has now been significantly modified.

What is even more incredible is the fact that this very provision is the target of sunset legislation that I and other members of the Judiciary Committee, both Democratic and Republican, have introduced. There is no doubt that we would have meaningfully and thoroughly explored further expansion of the NSL authority had we been given the opportunity to do so.

This is what the new law has done. Under the PATRIOT Act, the FBI was permitted to use NSLs to obtain records from banks and other similar financial institutions if they were "sought for" an intelligence or terrorism investigation. Now the term "financial institution" has been expanded to include a host of other businesses that have nothing to do with the business of banking, and the term "financial record" has been expanded to include any record held by any such business that pertains to a customer.

The FBI has long had the power to obtain this sort of information, whether through a judicial subpoena or a search warrant. But with the stealth amendment of the NSL authority, the FBI can now obtain a vast amount of personal and highly confidential information without obtaining court approval, and without any other independent check on the validity or scope of the inquiry. The privacy rights of all Americans have been compromised as a result.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new cat-

egories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Today marks the fifth annual Transgender Day of Remembrance and this year, we mourn with 37 families who lost their loved ones to antitransgender violence. My home State of Oregon has also lost a citizen to this form of hatred. In August 2001, Lorenzo "Loni" Okaruru died after being savagely beaten about the head and face with a blunt instrument. Detectives believe that the crime was most likely committed by a man who picked up Okaruru, who he thought was a woman, and was angered to find out Okaruru was a biological male. Law enforcement officials believe that Okaruru was killed because of his sexual orientation and gender identity and have classified the crime as a hate crime. The Portland community and civil rights groups rallied together to denounce this horrible crime.

I believe that Government's first duty to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONSEQUENCES OF THE NO CHILD LEFT BEHIND ACT FOCUS ON STUDENT TESTING

Mr. FEINGOLD. Mr. President, this month public school students around Wisconsin are sharpening their No. 2 pencils and settling in to take a series of annual tests called the Wisconsin Knowledge and Concepts Examinations. These exams, given to students in grades four, eight, and ten, test students' knowledge of reading, language arts, math, science, and social studies.

These tests—and their results—have taken on new meaning for schools around my State as students and teachers in Wisconsin settle into their second school year under the No Child Left Behind Act. This law, the centerpiece of the President's domestic agenda, requires that students in grades three through eight and in one high school grade be tested annually in reading and math beginning in the 2005-2006 school year, with annual science tests to be added 2 years later. Thus, Wisconsin will be required to expand the WKCEs, and the already-existing annual third grade Wisconsin Reading Comprehension Test, to include new reading tests for students in grades five, six and seven; and new math tests for students in grades three, five, six, and seven.

As I travel around Wisconsin, I hear time and again from frustrated parents, teachers, administrators, and school board members about their concerns with the ongoing implementation of the NCLB. I began to hear such comments more than 2 years ago when the President first proposed his education